

EXHIBIT

Approved, SCAO

Original - Court  
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STATE OF MICHIGAN JUDICIAL DISTRICT JUDICIAL CIRCUIT COUNTY PROBATE	SUMMONS	19-1427-NI
Court address 312 S. JACKSON STEEET, #1, JACKSON, MI 49201		Court telephone no. 517-788-4365
Plaintiff's name(s), address(es), and telephone no(s). PATRICE FORCE  Plaintiff's attorney, bar no., address, and telephone no. JONATHAN R. MARKO (P72450) 645 GRISWOLD, SUITE 4100 DETROIT, MI 48226	v	Defendant's name(s), address(es), and telephone no(s). HL MOTOR GROUP, INC.

Instructions: Check the items below that apply to you and provide any required information. Submit this form to the court clerk along with your complaint and, if necessary, a case inventory addendum (form MC 21). The summons section will be completed by the court clerk.

**Domestic Relations Case**

- ☒ There are no pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.
- ☐ There is one or more pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint. Attached is a completed case inventory (form MC 21) listing those cases.
- ☐ It is unknown if there are pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.

**Civil Case**

- ☐ This is a business case in which all or part of the action includes a business or commercial dispute under MCL 600.8035.
- ☐ MDHHS and a contracted health plan may have a right to recover expenses in this case. I certify that notice and a copy of the complaint will be provided to MDHHS and (if applicable) the contracted health plan in accordance with MCL 400.106(4).
- ☒ There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the complaint.
- ☐ A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has

been previously filed in ☐ this court, ☐ \_\_\_\_\_ Court, where

it was given case number 18-3066-NI and assigned to Judge RICHARD LaFLAMME.

The action ☐ remains ☐ is no longer pending.

Summons section completed by court clerk.

SUMMONS

**NOTICE TO THE DEFENDANT:** In the name of the people of the State of Michigan you are notified:

1. You are being sued.
2. **YOU HAVE 21 DAYS** after receiving this summons and a copy of the complaint to **file a written answer with the court** and serve a copy on the other party **or take other lawful action with the court** (28 days if you were served by mail or you were served outside this state).
3. If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.
4. If you require special accommodations to use the court because of a disability or if you require a foreign language interpreter to help you fully participate in court proceedings, please contact the court immediately to make arrangements.

Issue date <u>5/14/19</u>	Expiration date* <u>8/15/19</u>	Court clerk <u>AMBER PRITCHARD</u> <u>County Clerk</u>
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\*This summons is invalid unless served on or before its expiration date. This document must be sealed by the seal of the court.

11. As an operator and owner of a motor vehicle, Defendant VFS Canada is subject to the laws and regulations under the Michigan Vehicle Code.

12. As such, an owner is responsible for the person(s) who operate their vehicle(s).

13. Under M.C.L. §257.401, “[t]he owner of a motor vehicle is liable for an injury caused by the negligent operation of the motor vehicle whether the negligence consists of a violation of a statute of this state or the ordinary care standard required by common law.”

14. Defendant VFS Canada is the owner of the certain 2018 Vovlo Tractor semi-truck, with plates owned by Defendant HL Motor Group, involved in this crash and is therefore liable for the accident that was caused by the vehicle operator’s negligent driving.

#### COUNT II- NEGLIGENT ENTRUSTMENT

15. Plaintiff re-alleges and incorporates by reference the foregoing paragraphs as if fully set forth herein.

16. The injuries, harm, and damages were incurred by the Plaintiff as a result of the use of the vehicle by Merab Tsanava in a negligent and reckless manner, which Defendants VFS Canada and HL Motor Group knew, or had reason to know, was likely and involved an unreasonable risk of harm to others.

17. Defendant VFS Canada, as the owner of the truck driven by Merab Tsanava, has the right to permit and the power to prohibit the use of said vehicle by Merab Tsanava and HL Motor Group.

18. Defendant VFS Canada knew, or had reason to know, that Merab Tsanava, as an agent or apparent agent of HL Motor Group, was likely to drive his truck in a negligent and reckless manner.



19. As a direct result of Defendant VFS Canada negligently entrusting the vehicle to Merab Tsanova and HL Motor Group, who operated said vehicle in a negligent and reckless manner, the Plaintiff, without any contributory negligence, did suffer the injuries, damages, and harm previously enumerated in this Complaint.

### COUNT III – VICARIOUS LIABILITY

20. Plaintiff hereby restates and re-alleges each and every allegation contained in the foregoing paragraphs as if fully set forth herein.

21. The injuries, harm, and damages were incurred by the Plaintiff as a result of the use of the vehicle by Merab Tsanova in a negligent and reckless manner, which Defendants VFS Canada and HL Motor Group knew, or had reason to know, was likely and involved an unreasonable risk of harm to others.

22. At all times relevant to the acts and/or omissions complained of herein, Defendant HL Motor Group's agents, apparent agents or employees were acting in the scope of their employment.

23. Defendant HL Motor Group is vicariously liable for the acts and/or omissions of their agents/employees that caused injury to Plaintiff.

24. Defendants are also vicariously liable because they knew or should have known that their agents, apparent agents or employees had engaged in prior, similar acts of abuse and neglect, and knew or should have known of their propensity to act in accordance with the past bad conduct.

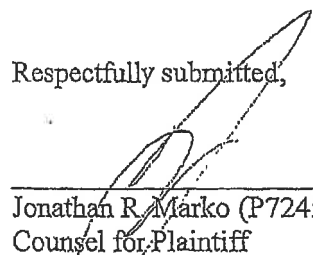
### DAMAGES

25. Plaintiff hereby restates and re-alleges each and every allegation contained in the

JURY REQUEST

Plaintiff, by and through counsel, hereby requests a trial by jury in the above-captioned matter.

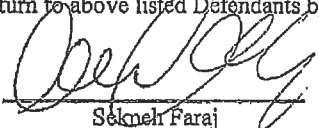
Respectfully submitted,

  
Jonathan R. Marko (P72450)  
Counsel for Plaintiff  
**Ernst & Marko Law, PLC**  
645 Griswold Street, Suite 4100  
Detroit, Michigan 48226  
(313) 965-5555

Date: May 15, 2019


CERTIFICATE OF SERVICE

I hereby certify that on May 15, 2019, I presented the foregoing paper to the Clerk of the Court for filing and upon return to above listed Defendants by process server.

  
Sekneh Faraj

645 GRISWOLD ST  
SUITE 4100  
DETROIT, MI 48226

ERNSTMARKOLAW.COM  
(313) 965-5555

 | ERNST & MARKO LAW

STATE OF MICHIGAN  
JACKSON COUNTY CIRCUIT COURT

PATRICE FORCE,

Plaintiff,

Case No. 19-1427-NI  
Hon. Richard N. LaFlamme

HL MOTOR GROUP, INC. and VFS  
CANADA, INC.,

Defendant.

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JONATHAN R. MARKO (P72450)  
Attorney for Plaintiff  
Ernst & Marko Law, PLC  
645 Griswold Street, Suite 4100  
Detroit, Michigan 48226  
Phone: 313.965.5555  
Fax: 313.965.5556  
[jon@ernstmarkolaw.com](mailto:jon@ernstmarkolaw.com)

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Two civil actions between other parties arising out of the transaction or occurrence alleged in the Complaint have been previously filed, one in this Court, where it was given docket number 18-3066-NI and was assigned to Judge LaFlamme, and the other in Wayne County Circuit Court, where it was given docket number 18-012312-NF, and was assigned to Judge Popke. Both of these actions remain pending.

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**PLAINTIFF'S FIRST AMENDED COMPLAINT AND JURY REQUEST**

NOW COMES the Plaintiff, Patrice Force, by and through her attorneys, Marko Law, PLC, and for her First Amended Complaint against the above-named Defendant, states as follows:



**JURISDICTION AND VENUE**

1. Plaintiff Patrice Force is a 42-year-old female residing in the city of Jackson, County of Jackson, State of Michigan.

2. Defendant HL Motor Group, Inc. ("HL Motor Group"), upon information and belief, is located in in Richmond Hill, Ontario, Canada.

3. Defendant VFS Canada, Inc. ("VFS Canada"), upon information and belief, is located in in Aurora, Ontario, Canada.

4. The transactions and occurrences giving rise to this action took place in the County of Jackson, State of Michigan.

5. The amount in controversy greatly exceeds this Court's jurisdictional requirement.

**FACTUAL ALLEGATIONS**

6. Plaintiff, by reference, incorporates the preceding paragraphs of her Complaint as though fully set forth herein.

7. That on 9<sup>th</sup> of July 2018, Plaintiff was traveling on I-94 towards Jackson, Michigan, when she was forcefully rear-ended by a 2018 Vovlo Tractor semi-truck driven by a Merab Tsavana, and owned by Defendant VFS Canada, with plates owned by HL Motor Group.

8. Plaintiff's vehicle was subsequently pushed into the vehicle in front of her.

9. That as a result of this incident, Plaintiff was seriously and severely injured.

**COUNT I- MOTOR VEHICLE OWNERSHIP LIABILITY**

10. Plaintiff re-alleges and incorporates by reference the foregoing paragraphs as if fully set forth herein.

11. As an operator and owner of a motor vehicle, Defendant VFS Canada is subject to the laws and regulations under the Michigan Vehicle Code.

12. As such, an owner is responsible for the person(s) who operate their vehicle(s).

13. Under M.C.L. §257.401, “[t]he owner of a motor vehicle is liable for an injury caused by the negligent operation of the motor vehicle whether the negligence consists of a violation of a statute of this state or the ordinary care standard required by common law.”

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22. At all times relevant to the acts and/or omissions complained of herein, Defendant HL Motor Group's agents, apparent agents or employees were acting in the scope of their employment.

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24. Defendants are also vicariously liable because they knew or should have known that their agents, apparent agents or employees had engaged in prior, similar acts of abuse and neglect, and knew or should have known of their propensity to act in accordance with the past bad conduct.

### DAMAGES

25. Plaintiff hereby restates and re-alleges each and every allegation contained in the



foregoing paragraphs as if fully set forth herein.

26. Plaintiff suffered serious and permanent injuries including, but not limited to injuries to her head, neck, and other painful and debilitating injuries throughout her body that all constitute serious impairments of important body functions that have affected her ability to lead her everyday normal life.

27. That Plaintiff suffered possible aggravation of preexisting conditions which were and are painful, permanent and disabling and a serious impairment of important bodily functions.

28. That Plaintiff has been forced to undergo medical treatment and will continue to undergo medical treatment in the future.

29. That Plaintiff has suffered the above described physical pain and suffering as well as mental anguish, fright and shock, denial of social pleasure and enjoyment and embarrassment, humiliation and mortification, all of which are serious, permanent and disabling.

**WHEREFORE**, Plaintiff respectfully requests this Honorable Court grant Judgment in favor of Plaintiff and against Defendant in an amount the Court or jury deems just and fair, plus interest, costs and attorney fees.

Respectfully submitted,

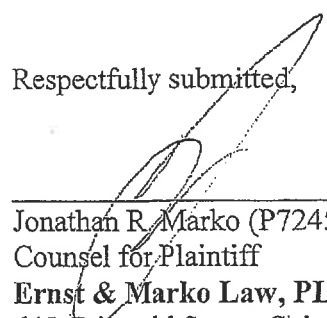
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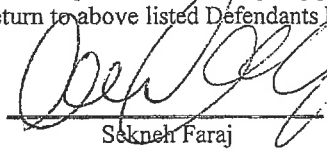
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